

**WSGL WEINGARTEN, SCHURGIN, GAGNEBIN & LEBOVICI LLP***Intellectual Property Law*  
Patents • Trademarks • CopyrightsTen Post Office Square  
Boston, Massachusetts 02109  
Tel. 617.542.2290 • Fax. 617. 451.0313  
www.wsglip.comRECEIVED  
CENTRAL FAX CENTER

JAN 08 2008

**FACSIMILE COVER SHEET**

DATE: January 8, 2008

TO: **Office Of Initial Patent Examination's  
Filing Receipt Corrections**

Fax No.: (571) 273-8300

FROM: Charles L. Gagnebin III

No. of pages transmitted  
(including this page): **7**

Our File: VER-209XX

Time: **3:45pm**

Your Ref:

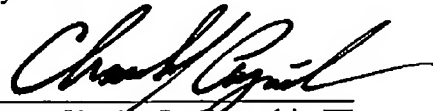
Sent by: Lisa

Application No. 10/592,994  
Filed Date: March 23, 2007  
Confirmation No.: 1614  
TC Art Unit: 8473

A confirmation copy of this transmission will not be mailed unless the following is checked: [ ]

**PLEASE DELIVER DIRECTLY TO:****Office of Initial Patent Examination's Filing Receipt Corrections****Enclosed for filing please find a copy of Filing Receipt with correction noted thereon. There is an error in the name of the second inventor. Also enclosed is a copy of the Declaration bearing the correct spelling.  
Please issue a corrected Filing Receipt.**

The Commissioner is hereby authorized to Charge Deposit Account No. 23-0804 for any additional filing fees associated with this communication or credit any overpayment.

Attorney for Applicant: Charles L. Gagnebin III  
Registration No. 25,467

CLG/laf/353064.1

**THIS MESSAGE MAY CONTAIN CONFIDENTIAL OR PRIVILEGED INFORMATION INTENDED ONLY FOR THE PERSON(S) IDENTIFIED ABOVE. IF IT HAS BEEN RECEIVED AT ANY OTHER PLACE OR HAS NOT BEEN CLEARLY RECEIVED, PLEASE CALL THE ABOVE IDENTIFIED SENDING PARTY COLLECT FOR INSTRUCTIONS. DO NOT SHOW OR DISTRIBUTE THIS MESSAGE TO ANYONE OTHER THAN THE INTENDED RECIPIENT(S). THANK YOU.**

RECEIVED  
CENTRAL FAX CENTER

002

Page 1 of 3

JAN 08 2008



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPL NO.	FILING OR 371(c) DATE	ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	TOT CLMS	IND CLMS
10/592,994	03/23/2007	1614	2030	VER-209XX	11	8

CONFIRMATION NO. 8473

207

WEINGARTEN, SCHURGIN, GAGNEBIN & LEOVICI LLP  
TEN POST OFFICE SQUARE  
BOSTON, MA 02109

CORRECTED FILING RECEIPT



\*OC000000026176703\*

Date Mailed: 10/04/2007

Receipt is acknowledged of this nonprovisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

## Applicant(s)

Willem Ferdinand Nieuwenhuizen, Bunnik, NETHERLANDS;  
Aloysius Maria Hayakes, Aphen aan den Rijn, NETHERLANDS;  
Josephus Jan Emeis, Amsterdam, NETHERLANDS;

BY:

RECEIVED

OCT 09/2007

WEINGARTEN, SCHURGIN,  
GAGNEBIN & LEOVICI LLPPower of Attorney: The patent practitioners associated with Customer Number 207.

## Domestic Priority data as claimed by applicant

This application is a 371 of PCT/NL05/00193 03/15/2005

## Foreign Applications

EUROPEAN PATENT OFFICE (EPO) 04075848.4 03/16/2004  
EUROPEAN PATENT OFFICE (EPO) 04077088.5 07/19/2004

If Required, Foreign Filing License Granted: 05/26/2007

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US10/592,994**.

Projected Publication Date: Not Applicable

Non-Publication Request: No

**Early Publication Request: No**

**Title**

Use of Sphingolipids in the Treatment and Prevention of Type 2 Diabetes Mellitus, Insulin Resistance and Metabolic Syndrome

**Preliminary Class**

514

**PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES**

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

---

**LICENSE FOR FOREIGN FILING UNDER  
Title 35, United States Code, Section 184  
Title 37, Code of Federal Regulations, 5.11 & 5.15**

**GRANTED**

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The

date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

#### **NOT GRANTED**

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

Sheet 1 of 3

Rev 11/05

Attorney  
Docket No.: VER-209XXDECLARATION AND POWER OF ATTORNEY

As a below-named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name;

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

THE USE OF SPHINGOLIPIDS IN THE TREATMENT AND PREVENTION OF TYPE 2 DIABETES  
MELLITUS, INSULIN RESISTANCE AND METABOLIC SYNDROME

The specification of which (check one):

[ ] is attached hereto [X] was <sup>deposited</sup> /filed on September 15, 2006 as Application No. 10/592,994;  
amended on Sept. 15, 2006 (if applicable).

[X] was filed as PCT International Appl. No. PCT/NL2005/000193 on March 15, 2005,  
and was amended under PCT Article 19 on (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations §1.56.

I hereby claim foreign priority benefits under Title 35, USC §119(a)-(d) of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)	Date Filed	Priority Claimed
04 075 848.4 (Number)	European Pat. Off. (Country)	16 March 2004 (Day/Month/Year)
		[X] [ ] Yes No
04 077 088.5 (Number)	European Pat. Off. (Country)	19 July 2004 (Day/Month/Year)
		[X] [ ] Yes No
(Number)	(Country)	(Day/Month/Year)
		[ ] [ ] Yes No

I hereby claim the benefit under Title 35, USC §119(e) of any United States provisional application(s) listed below:

(Application Number)

(Filing Date)

(Application Number)

(Filing Date)

(Application Number)

(Filing Date)

Express Mail Number

EV 560127926 US

Sheet 2 of 3

Attorney  
Docket No.: VGR-209XX

I hereby claim the benefit under Title 35 USC §120 of any United States or International application(s) listed below and insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35 USC §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

(Application No.)	(Filing Date)	(Patented/pending/abandoned)
(Application No.)	(Filing Date)	(Patented/pending/abandoned)

**POWER OF ATTORNEY:** As a named inventor, I hereby appoint the Attorneys associated with Customer Number 00207 to prosecute this application and transact all business connected therewith in the Patent and Trademark Office, and to file with the USRO any International Application based thereon.

The following Attorneys are associated with Customer Number 00207:

Stanley M. Schurgin, Reg. No. 20,979  
Charles L. Gagnebin III, Reg. No. 25,467  
Victor B. Lebovici, Reg. No. 30,864  
Holliday C. Heine, Reg. No. 34,346

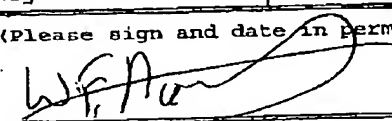
Gordon R. Moriarty, Reg. No. 38,973  
Beverly E. Hjorth, Reg. No. 32,033  
Richard E. Gamache, Reg. No. 39,196  
Thomas O. Hoover, Reg. No. 32,470

Address all correspondence to:

[X] Customer Number 00207

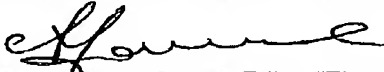
which is associated with the Law Firm of:  
WEINGARTEN, SCHURGIN, GAGNEBIN & LEBOVICI LLP  
Ten Post Office Square  
Boston, Massachusetts 02109  
United States  
Telephone: (617) 542-2290 Fax: (617) 451-0313

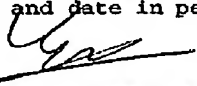
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of First/Sole Inventor: Willem Ferdinand NIOWENHUIZEN		
City of Residence Bunnik	State or Country The Netherlands	Country of Citizenship The Netherlands
Post Office Address Provincialeweg 61A	City NL-3981 AM Bunnik	State or Country zip Code THE NETHERLANDS
Signature: (Please sign and date in permanent ink.) X 		Date signed: X 12/10/06

Sheet 3 of 3

Attorney  
Docket No.: VER-209XX

Full Name of Second/Joint Inventor: Aloysius Maria HAVKES		
City of Residence	State or Country	Country of Citizenship
Alphen aan den Rijn	The Netherlands	The Netherlands
Post Office Address	City	State or Country zip Code
Lokhorst 9	NL-2402 PP Alphen aan den Rijn	THE NETHERLANDS
Signature: (Please sign and date in permanent ink.) X 		Date signed: X 12/10/06

Full Name of Third/Joint Inventor: Josephus Jan EMEIS		
City of Residence	State or Country	Country of Citizenship
Amsterdam	The Netherlands	The Netherlands
Post Office Address	City	State or Country zip Code
Hoogte Kadijk 37C	NL-1018 BE Amsterdam	THE NETHERLANDS
Signature: (Please sign and date in permanent ink.) X 		Date signed: X 24/10/2006

CLG/mc/341497.1